

# HOUSE BILL REPORT

## HB 1085

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**As Passed House:**

March 3, 2005

**Title:** An act relating to milk and milk products.

**Brief Description:** Regulating the processing of milk and milk products.

**Sponsors:** By Representatives Linville, Kristiansen and Pettigrew; by request of Department of Agriculture.

**Brief History:**

**Committee Activity:**

Economic Development, Agriculture & Trade: 1/25/05, 2/4/05 [DP].

**Floor Activity:**

Passed House: 3/3/05, 94-2.

**Brief Summary of Bill**

- Increases the annual license fee for milk processing plants.
- Clarifies licensing requirements and fees for milk processing and food processing plants.
- Allows hand capping of milk and milk products.

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**HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE**

**Majority Report:** Do pass. Signed by 20 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Blake, Buri, Chase, Clibborn, Dunn, Grant, Haler, Kenney, Kilmer, McCoy, Morrell, Newhouse, Quall, Strow, P. Sullivan and Wallace.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Condotta, Holmquist and Kretz.

**Staff:** Meg Van Schoorl (786-7105).

**Background:**

Plants that process milk or milk products must obtain a milk processing license on an annual basis from the Department of Agriculture (Department). The current annual license fee is \$25. Licenses expire on June 30 of each year.

Plants that process food products other than milk or milk products are required to obtain a food processing license. However, licensed milk processing plants which also process non-milk products are not required to obtain food processing licenses.

Raw milk and milk products must be bottled or packaged on the farm where produced. Bottling and capping of these products must be done in a sanitary manner using equipment approved by the Department. Bottling and capping must be integral in one machine. Grade A pasteurized milk and milk products must be capped using mechanical equipment approved by the Department. Hand capping of these products is prohibited.

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**Summary of Bill:**

The annual milk processing plant license fee is increased from \$25 to \$55.

A plant that processes only milk and milk products must be licensed as a milk processing plant but is exempt from obtaining a food processing license. The Director of the Department must waive the food processing license fee for a business that is also licensed as a milk processing plant.

Milk processors may cap milk and milk products by hand, and are not required to cap milk and milk products using machines or mechanical equipment. For processors of both raw milk and Grade A pasteurized milk, the capping must be done in a sanitary manner by means of approved equipment and operations.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except Section 1, relating to license fees, which is subject to an emergency clause and takes effect July 1, 2005.

**Testimony For:** Allowing for hand capping of milk and milk products will benefit small processors who cannot find or afford mechanical capping equipment appropriate for their business needs. Larger processors who use totes, barrels, and containers to package their products will benefit from the flexibility of the hand capping option. Processors of juice, bottled water, and wineries use similar bottling and capping methods routinely in a sanitary manner. Inequities in the licensing fees paid by milk processing plants compared to those paid by small food processing plants will be resolved by the proposed \$30 fee increase. Confusion in the licenses and fees required for those milk processing plants that also process food will be clarified.

(With concerns) There is a safety issue that will be discussed with Department representatives.

**Testimony Against:** None.

**Persons Testifying:** (In support) Leslie Emerick and Claudia Coles, Washington State Department of Agriculture.

(With concerns) Bob Gee, Washington Food Industry.

**Persons Signed In To Testify But Not Testifying:** None.